

Minutes

LICENSING SUB-COMMITTEE

29 April 2022

Meeting held at Council Chamber - Civic Centre, High Street,
Uxbridge



	<p>Committee Members Present: Councillors Simon Arnold (Chairman) Lynne Allen Darran Davies</p> <p>LBH Officers Present: Mark McDermott, Licensing Officer Glen Egan, Legal Advisor Anisha Teji, Democratic Services Officer</p> <p>Interested Parties: Councillor June Nelson, Objector</p> <p>Applicant and Applicant's representative: Applicant – Mr Manpal Singh Applicant's representative- Mr Panchal</p>
21.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>None.</p>
22.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>Councillor Simon Arnold declared a non-pecuniary interest as he had been in communication with one of the objectors regarding another matter.</p>
23.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 3</i>)</p> <p>It was confirmed that all items would be heard in Part I.</p>
24.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
25.	<p>APPLICATION FOR A RENEWAL OF A TEMPORARY STREET TRADING LICENCE (<i>Agenda Item 5</i>)</p> <p>Introduction by Regulatory Services Officer</p> <p>Mark McDermott, Regulatory Services Officer at the London Borough of Hillingdon,</p>

introduced the report and photographs relating to the application for a renewal of a temporary street trading licence for Sarin Express, 212 High St, Harlington, Hayes UB35DS. A background and chronology of events was provided.

A renewal application was made for a temporary street trading licence for a 1.5 metre shop front display outside Sarin Express. The applicant sought to renew the licence to display fruit and vegetables with the addition of household goods outside the shop. The application had received objections from a Ward Councillor and four residents.

A recommendation was made to consider the representations received and the discretionary grounds for refusal and, should the Committee be minded to grant the licence, limiting the licence to a period of six months with any conditions deemed appropriate.

During Member clarification questions, it was noted that the land behind the shop was not owned by the applicant and the fly tipping photographs were not directly linked to the application. It was also clarified that the Council had no established rules for the material requirements of boxes. A six-month licence was recommended to encourage the applicant to organise his affairs and prove compliance with the licence.

Representations by Applicant and Applicant's representative

The Applicant – Mr Manpal Singh and the Applicant's representative- Mr Panchal addressed the Committee.

As a background to the application, the Committee was informed that the Applicant had been in the shop for six years and paid for a 2-meter licence. The Applicant had complied with the Council's requirements and was willing to comply with a six-month licence and any conditions.

In response to Member questions, it was confirmed that the fruit and vegetable shop front display brought in 30- 40% of trade.

Representations by Objectors

Cllr June Nelson addressed the Committee and submitted that she was in total support with the residents regarding the renewal of a street trading (shop front) licence. The shop was in a conservation area and this issue had been ongoing since the pandemic. There had been numerous complaints from residents that restricted pedestrian access which had been communicated to the Council. There had also been toilets rolls on the shop front display and allegations of threatening behaviour. It was reported that when the Council had previously issued fixed penalty notices, the applicant then made changes however reverted to his original position. The Committee was asked not to grant the licence so that the high street could have safe pedestrian access.

Discussion

- Further clarification was sought on the photographs and the degree the shop front came out. It was explained how far the shop front previously came out although this had been amended following the fixed penalty notice and the granting of the licence.
- Questions were raised about why the Anti Social Behaviour Team were not present and, for the purposes of the hearing, it was clarified that only objectors were present.

- In terms of the fixed penalty notices issues and three complaints, it was explained that the Applicant was unaware that he needed a licence to display fruit and veg on the shop front. When the notice was issued he made an application and the complied with the licence.
- Trade with fruit and veg had increased.
- The fixed penalty notice was issued as there was charcoal on display. However, this was a miscommunication as the charcoal had not been removed due to a late start. Procedures had now been put in place and only fruit and veg were available and on display.
- There was no objection to the business as it served the community, there was just a need to be mindful of pedestrian safety.
- It was confirmed that the lottery stand was no longer on display.
- The Applicant wanted to comply with conditions and work with the community to resolve any issues raised.

Closing remarks

In closing submissions, Councillor Nelson emphasised the need to comply with any conditions and no threatening behaviour.

There were no further submissions from the Regulatory Authority.

In closing, the Applicant's representative submitted that there would be compliance with any conditions and the Applicant was keen to work with the Regulatory Authority and community.

Committee Deliberation

All parties were asked to leave the room while the Sub-Committee considered its decision.

All parties were invited back to the meeting for the Chairman to announce the decision of the Sub-Committee.

The Decision

The Sub-Committee has considered all the relevant representations made available to it and in doing so has taken into account the London Local Authorities Act 1990 and the Council's Street Trading Policy. The Sub-Committee has paid particular attention to paragraphs 3.2, 4.2, 6.6, 9.1, 10.1, 10.5, 10.7 and 13.1 of the Street Trading Policy.

The Licensing Sub-Committee has determined that it is necessary and proportionate to **grant a** temporary Street Trading Shop Front Licence for Sarin Express, 212 High Street, Harlington, Hayes, UB3 5DS for a 6 month period.

In making this decision the Sub Committee disregarded photographs of fly tipping in the vicinity as this was not attributable to the premises.

In addition to the standard conditions attached to all street trading licences and shop front licences (see Appendix 3 of Hillingdon's Street Trading Policy) the licensee shall also abide by the following additional condition:

- 1) The licensed area must be within the dimensions approved by the Council and marked out on the ground by the Council.

Reasons for Decision

In reaching this decision the Sub Committee has taken into account the fact that 2 fixed penalty notices have been served by the Council but found there to be no other evidence of anti-social behaviour that was attributable to the premises.

Right of Appeal

The relevant applicant for the premises licence or any other person who made relevant representations to the application may appeal against the Council's decision to the Justices Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

No decision made by the Council will have effect during the time period within which an appeal may be brought and until such time that any appeal has been determined or abandoned.

The Sub-Committee advises as a comfort to residents and a warning to the licensee that the licence may be reviewed and could potentially be revoked if licence conditions are not adhered to and/or if the premises are managed in a manner which does not uphold the licensing objectives

The Applicant will be deemed to have received this decision letter, two days after the date on the accompanying letter, which will be posted by 1st class mail.

The meeting, which commenced at 3.00 pm, closed at 4.03 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Anisha Teji 01895277655 or ateji@hillingdon.gov.uk on 01895277655 or ateji@hillingdon.gov.uk. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.